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## Department of Toxic Substances Control

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February 5, 2019

Ms. Reyna Verdin  
Environmental Manager  
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P.O. Box 471  
Kettleman City, California 93239

CLARIFICATION OF PERMIT SPECIAL CONDITIONS FOR  
CHEMICAL WASTE MANAGEMENT, INC., KETTLEMAN HILLS FACILITY,  
KINGS COUNTY, CALIFORNIA; EPA ID. NO. CAT 000 646 117

Dear Ms. Verdin:

On October 2, 2018, the Department of Toxic Substances Control's (DTSC) Enforcement Program issued an Inspection Report (Report) documenting the results of a September 11, 2018, Focused Compliance Inspection at the Chemical Waste Management, Inc. (CWMI) Kettleman Hills Facility (KHF) located at 35251 Old Skyline Road, Kettleman City, California. The Report identified two "Issues of Concern" with Permit 02-SAC-03, Special Conditions 1.(C) and 1.(D), which relate to waste identification and unit specific acceptance criteria. The purpose of this letter is for DTSC's Permitting Division to provide input regarding compliance with the subject conditions.

Special Conditions 1.(C) and 1.(D) of Permit 02-SAC-03 state the following:

- (C) *The Permittee shall conduct the appropriate "Supplemental Analyses" described in the Waste Analysis Plan to ensure that waste received at a hazardous waste management unit meets the acceptance criteria for that unit, listed in Table 3-1 in the Waste Analysis Plan, and any other criteria specified in the Operation Plan for the unit. Waste that does not meet any acceptance criteria for a unit may be accepted at the unit on a case-by-case bases provided that: the Permittee conducts all of the "Supplemental Analyses" applicable to the unit; the results of the analyses indicate that the waste may be accepted at the unit without violating any other condition of the permit; and the results of the analyses and the decision to accept*

*the waste at the unit are document in the operating record on the "Special Waste Management Decision Form" described in the Waste Analyses Plan or an equivalent form.*

- (D) *The Permittee shall not change the acceptance criteria in table 3-1 of the Waste Analyses Plan without prior approval by DTSC. This approval will require a permit modification in accordance with Cal. Code of Regs., title 22, sections 66270.41 and 66271.4.*

The permit conditions contain errors because they refer to tables and forms that are not present in the approved Operations Plan dated June 16, 2003, as amended. It appears that this error resulted from the transfer of conditions from a prior permit that cited an earlier version of the Operations Plan.

Despite the apparent errors in Special Conditions 1.(C) and 1.(D), CWMI must continue to comply with all relevant hazardous waste regulations, the remaining conditions of the Permit, and with the Operations Plan. Some examples of such provisions that are relevant to the topics of waste identification and unit specific acceptance criteria are outlined below.

- California Code of Regulations, title 22, section 66264.13(a)(1).

*(a)(1) Before an owner or operator transfers, treats, stores, or disposes of any hazardous waste, or non-hazardous waste if applicable under section 66264.113(d), the owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the waste. At a minimum, this analysis shall contain all the information which must be known to transfer, treat, store, or dispose of the waste in accordance with the requirements of this chapter and chapter 18 of this division and with the conditions of a permit issued under chapter 20 and chapter 21 of this division.*

- Permit Page 22, Surface Impoundments P-9/14/16, Waste Types Allowed.

Lists wastes that must not be accepted for management at surface impoundments P9, P-14, and P-16.

- Permit Page 27, Landfill B-18, Waste Types Allowed.

Lists wastes that must not be accepted for disposal at landfill B-18.

- Operations Plan, Chapter 5, Exhibit 5-1 (Waste Analysis Plan), Section 4.3 and Figure 4-2.

Section 4.3 describes the pre-acceptance evaluation decision process utilized by KHF. Figure 4-2 provides an overview of the pre-acceptance process.

- Operations Plan, Chapter 36 (Ponds), Section 36.1.

Lists wastes that are not accepted for disposal at surface impoundments P9, P-14, and P-16.

- Operations Plan, Chapter 40 (Landfills), Section 40.1.

Lists wastes that are not accepted for disposal at landfill B-18.

The Permitting Division has concluded that a modification of the Permit is not required because the indicated provisions are adequate to guide facility operations and are enforceable. Furthermore, CWMI has submitted a permit renewal application and the errors in the Permit will be remedied when a permit decision is made.

If you have any questions regarding this letter, please contact me at (916) 255-3644 or at [Ryan.Batty@dtsc.ca.gov](mailto:Ryan.Batty@dtsc.ca.gov).

Sincerely,



Ryan W. Batty, P.E.  
Senior Hazardous Substances Engineer  
Permitting Division – Landfill Unit

cc (via email):

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